

08/18/04

7FW

Express Mail Label
No. EV544919904US

PHA 4174.4 (3480/3)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of David L. Brown et al.

Art Unit 1624

Serial No. 10/734,829

Filed December 12, 2003

Confirmation No. 5321

For FLUORO-SUBSTITUTED BENZENESULFONYL
COMPOUNDS FOR THE TREATMENT OF INFLAMMATION

Examiner Zinna Northington Davis

August 17, 2004

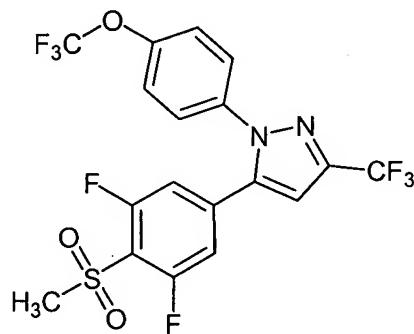
RESPONSE TO ELECTION REQUIREMENT

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,

SIR:

This letter is in response to the Office action of July 22, 2004, in which the Office required an election of a single disclosed species (a compound of Formula 1 and a single agent) for prosecution.

In response, the Formula I species elected for prosecution is the compound of Example 4, i.e., 5-[3,5-difluoro-4-(methylsulfonyl)phenyl]-1-[4-(trifluoromethoxy)phenyl]-3-(trifluoromethyl)-1H-pyrazole.



To the extent the Office is further requiring the applicant to also elect an agent selected from the group consisting of "a steroid, an NSAID, an iNOS inhibitor, a p-38 inhibitor, an MMP inhibitor, a TNF inhibitor, a 5-lipoxygenase inhibitor, an LTB₄ receptor antagonist, an LTA₄ hydrolase inhibitor, and an analgesic," applicant elects a 5-lipoxygenase inhibitor; if this is not what the Office intended, clarification is requested.

Claims 121, 2, 3, 5-8, 11-18, 21-24, 26-28 and 31 read upon the elected species.

Applicants reserve the right to file divisional applications directed to the non-elected subject matter.

CONCLUSION

The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of government fees to Deposit Account No. 19-1345.

Respectfully submitted,



Edward J. Hejlek, Reg. 31,525
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

EJH/KYA/dep